



October 17, 1990

Reply To  
Attn Of: HW-113

CERTIFIED MAIL RETURN RECEIPT REQUESTED

J.P. Hyland  
Manager, Environmental Protection  
Monsanto Company  
800 N. Lindbergh Blvd., M/S - G4W7  
St. Louis, MO 63167

Re: Monsanto Chemical (Soda Springs) Superfund Site

Dear Mr. Hyland:

The United States Environmental Protection Agency (EPA) has documented the release or threatened release of hazardous substances, pollutants and contaminants at the Monsanto Chemical (Soda Springs) Superfund Site (Site) in southeastern Idaho. EPA is preparing to initiate a remedial investigation/feasibility study (RI/FS) to determine the nature and extent of the release and threatened release at and from the Site and evaluate possible remedial actions. Unless EPA determines that a potentially responsible party (PRP) will properly and promptly perform the RI/FS, EPA will undertake this activity pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, (CERCLA), 42 U.S.C. §§ 9601-9675, as amended.

EPA has information that the Monsanto Company and the Monsanto Chemicals Company are PRPs for the Site. Responsible parties under Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), include: Current owners and operators of the Site; former owners and operators of the Site at the time of disposal of any hazardous substances; persons who owned or possessed hazardous substances released at the Site, and arranged for disposal, treatment or transportation of such hazardous substances; and persons who accepted hazardous substances released at the Site for transportation for disposal or treatment to a facility selected by such transporter. In accordance with Section 122(e) of CERCLA, 42 U.S.C. § 9622(e), this letter is written to notify your company of its potential liability with respect to the Site, and to determine whether your company is willing to conduct the RI/FS. At this time, EPA is aware of no other PRPs for the Site.

Pursuant to Section 122(e), a moratorium on EPA's

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commencement of the RI/FS will be in effect for a period of ninety (90) calendar days following your receipt of this letter, provided that within the first sixty (60) days of the moratorium, your company makes a good faith offer to perform the RI/FS. The purpose of the additional thirty (30) days is to allow parties adequate time to finalize an agreement. If a good faith offer is not made within the first sixty (60) days, EPA may thereafter proceed with a federally-funded RI/FS, or may issue a unilateral administrative order pursuant to Section 106(a) of CERCLA, 42 U.S.C. § 9606(a), requiring your company to conduct the RI/FS. Any agreement to conduct the RI/FS must be memorialized in an administrative order on consent issued by EPA pursuant to CERCLA.

Pursuant to Section 107 of CERCLA, 42 U.S.C. § 9607, your company would be liable for the costs of a federally-funded RI/FS, as well as the costs of any other actions deemed necessary by EPA to protect the public health, welfare or the environment from an imminent and substantial endangerment due to an actual or threatened release of a hazardous substance at or from the Site. Such costs can include, but are not limited to, expenditures for planning, investigation, studies, clean-up, and enforcement.

A good faith offer must include a definite start date and time lines for implementing and conducting the following activities:

1. A Remedial Investigation to identify the geological and hydrogeological characteristics of the Site, and to define the nature and extent of soil, air, ground and surface water contamination, and
2. A Feasibility Study to develop and evaluate possible remedial actions to remove or contain hazardous substances, pollutants, and contaminants at and/or from the Site.

A good faith offer is a written proposal which demonstrates your company's qualifications and willingness to conduct or finance the RI/FS, and should include the following:

1. A statement of willingness to conduct or finance the RI/FS which is consistent with EPA's enclosed Statement of Work and draft Administrative Order On Consent and provides a sufficient basis for further negotiations;
2. A paragraph-by-paragraph response to EPA's draft Administrative Order On Consent (i.e., a "red-lined version. Do not submit a proposed alternative draft Order);
3. A demonstration of technical capability to perform the RI/FS. Include the name of the contractor selected to conduct the RI/FS, and a summary of the contractor's qualifications;

4. A demonstration of financial capability to finance the RI/FS;

5. A statement of willingness to reimburse EPA for the costs EPA incurs in overseeing conduct of the RI/FS as required by Section 104(a)(1) of CERCLA, 42 U.S.C. § 9604(a)(1); and

6. The name, address, and phone number of the person(s) who will represent your company in RI/FS negotiations.

To facilitate the preparation of a good faith proposal within sixty (60) days, EPA is willing to meet with representatives of your company to discuss this matter. Should such a meeting be desirable, please contact John Meyer, EPA Superfund Site Manager, at (206) 442-1271.

Except under extraordinary circumstances which must be documented in a written request, no extension beyond sixty (60) days will be considered by EPA. Please be further advised that this Special Notice does not preclude EPA from performing other studies or investigations pursuant to Section 104 of CERCLA, 42 U.S.C. § 9604, and that pursuant to Section 122(e)(6) of CERCLA, 42 U.S.C. § 9622(e)(6), specific authorization is required from EPA prior to undertaking any remedial action.

Following completion of the RI/FS and any other necessary studies, EPA will determine the appropriate remedial action for the Site. EPA's remedy selection will be documented in a Record of Decision (ROD) following public comment. Your company may then be contacted again to undertake implementation of the remedy, and possibly the design thereof.

A written response and any request for further information regarding this letter should be addressed to:

John Meyer, Superfund Site Manager  
U.S. EPA, Region 10 (HW-113)  
Seattle, Washington 98101  
(206) 442-1271

However, any and all communications by any attorney(s) on behalf of your company must be directed to the Office of Regional Counsel, EPA Region 10. Please direct such inquiries regarding this Site to Charles Ordine, Assistant Regional Counsel, at (206) 442-1504.

EPA strongly encourages negotiated agreements with PRPs for the conduct of a RI/FS. We hope you will give this matter your immediate attention. By a copy of this letter, EPA is notifying the State of Idaho and the Natural Resource Trustees of our

intent to enter negotiations for a RI/FS at this Site.

Sincerely,



Charles E. Findley, Director  
Hazardous Waste Division

Enclosure

cc: Dean Nygard, IDHW-DEQ  
Charles Polityka, U.S. Department of the Interior  
Kent V. Lott, Monsanto Chemicals Company